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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,863	11/26/2002	Randal Raymond Stark	8564-000009	3386

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EXAMINER

RODRIGUEZ, PAUL L

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 04/26/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,863

Applicant(s)

STARK ET AL.

Examiner

Paul L Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities:

Paragraph 25 line 6 refers to "Utility Search Field 120", previously 122, reference number 120 is the main screen.

Paragraph 25 line 8 refers to "Plant Search Field 122", previously 124.

Paragraph 25 line 9 refers to "Active Plant search field 124", previously 126.

Paragraph 25 lines 14-15 refers to "Data Search field 126", previously 127.

Paragraph 28 line 14 refers to "Ahead/Behind field 166", previously 168.

Appropriate correction is required.

3. The examiner has provided a number of examples of the specification deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the specification objections.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 11 and 13-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art,

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environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Simply stated the method does not require the use of an apparatus. As written, the claimed method could be carried out by an individual looking to see if the power plant was operating, storing information they observed in their own memory, remembering the information later to tell someone else.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 7, 11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al (U.S. Pat 5,684,718). The claimed invention reads on Jenkins et al as follows:

Jenkins et al discloses (claim 1) a system for maintaining power plant outage data (figures 2a, 2b, col. 4 lines 26-28, examiners considers day 4, 13 and 20 to indicate outage information), comprising a user interface configured for receiving outage data (reference number 18, col. 2 lines 63-65, receives and displays outage data), a database for storing the received outage data (col. 3 lines 24-38) and a controller for controlling the generation of output data based upon the stored outage data (col. 3 lines 34-38), (claim 7) further comprising a local storage device for storing at least some of the outage data (reference number 14, col. 2 lines 41-

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51), (claim 11) a method for maintaining power plant outage data (figure 2a, 2b, col. 4 lines 26-28), comprising receiving outage data input by a user (reference number 18, col. 2 lines 63-65), storing the received outage data for subsequent access (col. 3 lines 24-38) and generating output outage data based upon the stored outage data (col. 3 lines 34-38), (claim 15) further comprising automatically storing outage task duration data for separate access by a user (figures 2a, 2b, indicate duration) and (claim 16) further comprising performing a search of the stored outage data based upon user search criteria (col. 2 lines 63-65, col. 3 lines 17-23, col. 4 lines 45-49, operator observation is searching for a trend). Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

8. Claims 1, 2, 4, 5, 7, 9, 11, 13, 15 and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi et al (U.S. Pat 6,691,065). The claimed invention reads on Hayashi et al as follows:

(claim 1) a system (figure 1) for maintaining power plant outage data (figure 3 receives and stores, col. 3 lines 48-58, col. 6 line 66 – col. 7 line 12), comprising a user interface configured for receiving outage data (service center reference number 1), a database for storing the received outage data (col. 7 lines 1-22) and a controller for controlling the generation of output data based upon the stored outage data (reference numbers 19-23 and 25, col. 9 lines 44-48, col. 12 lines 15-21, col. 15 lines 14-16, 55-58 etc.), (claim 2) wherein the controller is configured to automatically generate outage reports based upon search criteria from a user (col. 7 line 65 – col. 8 line 12, maintenance plan considered outage report, planned outages), (claim 4) wherein the database is configured for access via an intranet (reference number 6 could be an

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intranet) and further comprising a second database for storing the received outage data and configured for access via an internet (col. 6 lines 54-57), (claim 5) wherein the outage data stored within the database is configured for access on a task by task basis (col. 7 lines 26-35), (claim 7) further comprising a local storage device for storing at least some of the outage data (col. 6 lines 54-57), (claim 9) wherein the user interface is configured to include a plurality of input fields to receive the outage data (figure 4), (claim 11) a method for maintaining power plant outage data (col. 3 line 59 – col. 4 line 11), comprising receiving outage data input by a user (col. 7 lines 13-36), storing the received outage data for subsequent access (col. 7 lines 1-22), and generating output outage data based upon the stored outage data (col. 8 lines 4-12, col. 9 lines 44-48, col. 12 lines 15-21 etc.), (claim 13) wherein the step of generating output outage data comprises generating an outage report based upon a user defined search and providing outage data on a task by task basis (col. 7 line 65 – col. 8 line 12, maintenance plan and long term operational plan), (claim 15) further comprising automatically storing outage task duration data for separate access by a user (col. 7 line 26-36), (claim 17) further comprising limiting access to at least some of the stored outage data (reference number 11, firewall, col. 6 lines 61-65), (claim 18) a method for maintaining power plant outage data for access by a user (service center 1), the method comprising accessing a web based user interface configured to allow for searching of stored outage data (figure 1, web/internet based, databases of service center are searched for the development of the long term operational and maintenance plans), entering search criteria using the web based user interface for searching the stored outage data (databases searched for plan development), and receiving search results based upon user input search criteria (plan developed), (claim 19) wherein the user interface is configured to provide predetermined search fields (figure 4, fields), (claim 20) wherein the step of receiving comprises displaying the search

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results (figures 4-6, 11, 15, 16 are accessed and provided to service center), (claim 21) further comprising providing the search results on a task by task basis (col. 7 lines 26-35), (claim 22, 23) wherein the step of accessing comprises using an intranet/internet to access the stored outage data (reference number 6)., Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (U.S. Pat 6,691,065) in view of Sumic et al (U.S. Pat 6,259,972).

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Hayashi et al teaches most all of the instant invention as applied to claims 1 and 11 above. Hayashi et al fails to teach wherein the controller is configured to generate emails providing outage report summaries for automatic transmission to a predetermined list of users.

Sumic et al teaches a method for processing and disseminating outage information to selected recipients and subscribers (abstract) via an electronic message (col. 5 lines 35 – col. 9 line 5).

Hayashi et al and Sumic et al are analogous art because they are both related to power generation and monitoring.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the messaging of Sumic et al in the system for collecting data of Hayashi et al because Sumic et al teaches that by improving message delivery mechanisms, the system assists in keeping interested parties informed of current outage information (col. 3 lines 1-15).

11. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (U.S. Pat 6,691,065) in view of Ikeda et al (U.S. Pub 2001/0056335).

Hayashi et al teaches most all of the instant invention as applied to claims 1 and 11 above. Hayashi et al fails to teach wherein the user interface is configured for receiving search criteria from a user to perform a search for outage data within the database.

Ikeda et al teaches wherein a user interface is configured for receiving search criteria from a user to perform a search for outage data within a database (paragraphs 30, 64, 66).

Hayashi et al and Ikeda et al are analogous art because they are both related to remote monitoring of power plants.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the database searching of Ikeda et al in the system for collecting data of Hayashi et al because Ikeda al teaches a substantial improvement in equipment availability factor, simultaneous monitoring and diagnosis of multiple sites, and multiple units at a center decreases the number of persons in charge on the user and manufacturer sides. Also, the system allows quick actions to be taken to solve a problem (paragraph 60).

12. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (U.S. Pat 6,691,065) in view of Juneau (U.S. Pub 2004/0015271).

Hayashi et al teaches most all of the instant invention as applied to claims 1 and 11 above. Hayashi et al also teaches a schedule optimizer (reference number 25) but fails to teach determining best in class.

Juneau teaches A system according to claim 52 wherein said server system is configured to determine at least one of a desired facility out of all available power generating facilities and print relevant information regarding the desired facility ("desired" considered to be "best in class", claim 63).

Hayashi et al and Juneau are analogous art because they are both related to power plant evaluation.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the best in class determination of Juneau in the system for collecting data of Hayashi et al because Juneau teaches a dynamic system which utilizes web and intranet-based databases along with internal databases to analyze and evaluate power generating assets utilizing a strategic decision model. The system receives facility information and provides

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various management reports that provide operational details and recommendations to management for a selected power generating asset (paragraph 6).

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (U.S. Pat 6,691,065) in view of Tran (U.S. Pat 5,991,742).

Hayashi et al teaches most all of the instant invention as applied to claims 1 and 11 above. Hayashi et al fails to teach wherein the user interface is configured for display to provide user input screens for inputting the outage data.

Tran teaches a user interface configured for display, to provide user input screens for inputting data (figure 1, abstract).

Hayashi et al and Tran are analogous art because they are both related to real time data logging.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a data entry device of Tran in the system for collecting data of Hayashi et al because Tran teaches an improved data logger that avoids errors related to incorrect data entries by a user (col. 3 lines 7-22) and provides an accurate logging of time related events (col. 3 lines 23-45).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frantz et al (U.S. Pub 2002/0193969) teaches a web based system and method for monitoring power plants.

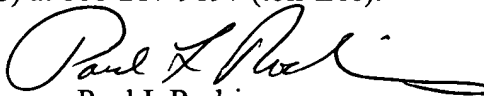
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Ghanime (U.S. Pat 6,591,296) – teaches a notification system that sends an email triggered by a particular event.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L Rodriguez whose telephone number is (703) 305-7399. The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul L Rodriguez
Examiner
Art Unit 2125

PLR
4/22/04